

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

FAROUK SYSTEMS, INC.

Plaintiff

v.

Civil Action No. 4:10-cv-2672

**FIRST AMENDED COMPLAINT**

EYOU INTERNATIONAL TRADING COMPANY, LTD., FUZHOU HENQJU TRADE CO. LTD., EBRANDSALE TRADE CO. LTD., EBAGI TRADING CO. LTD., HANGZHOU DREAM CLOUDS GARMENT STORE, KING BOSE ELECTRONICS CO. LTD., YIWU XINWANG HARDWARE COMMERCIAL FIRM A/K/A QING TIAN ELECTRICAL TECHNOLOGY CO. LTD., BEIJING FUHENG SIHAI SCIENCE AND TECHNOLOGY CO. LTD., SHENYANG CITY SHENGHUAXING PARTS, FLAT CHY LTD. CO., SUANSU SHOP, ZHI CHI FASHION SHOES TRADING COMPANY, EBAYSON TRADING CO. LTD., KEMY DESIGN CRAFT WORK & CHI LTD., ZHUHAI XIANGZHOU KAIYUE COMPUTER FIRM, FLAT CHY IRON OUTLET, BRIGHT TRADE CO. LTD., NFL SUPPLIER TRADE CO. LTD. A/K/A S&S FASHION TRADING CO. LTD. A/K/A AILIKE INTERNATIONAL TRADE CO. LTD., HONG KONG ZEXI CO., LTD. A/K/A HONG KONG RAYBU TRADE CO., LIMITED, NFL SELL TRADE CO. LTD., AIRFLY TRADE COMPANY, ZHEJIANG PRIMATRUST INDUSTRY CO. LTD., SOFTWARE SUPPLIER CO., LTD., MYWAYHAIR CO., LTD., SHARING INTERNATIONAL INVESTMENT AND MANAGEMENT CO., LIMITED, VV SUPPLIER TRADE CO., LTD, HONG KONG YNITA GARMENTS CO. LIMITED, VICTORIA TRADE, HONGKONG ARTLER TRADING GROUP LIMITED A/K/A EXCELLENT SPORTS (HK) CO. LIMITED, LOL WHOLESALER TRADING INC., PUTIAN SHUNWANG TRADE CO., LTD. A/K/A SHINEWON COMPANY, HODONNET CO. LTD., DEAR GROUP LIMITED A/K/A HONGKONG AIBABYS INDUSTRY CO. LTD.,

PROFESSIONAL HAIR CARE SUPPLYER CO.  
LTD. A/K/A HAIR CARE WHOELSALE CO. LTD.,  
BETTERBUSINESS FASHION TRADING CO.,  
LTD., CHINA WANGYI TRADE CO. LTD., CHI &  
T3 HAIR CARE FOREVEROFFER CO. LTD. A/K/A  
MAKE HAIR BEAUTIFUL CO. LTD., XIDA  
TRADE CO. LTD., HENGXIN INTERNATIONAL  
TRADE CO. LTD., FUZHOU HUAXIANG TRADE  
CO. LTD., E-TRADE CO. LTD., SUNFAVOR  
INDUSTRY DEVELOPMENT CO. LTD., LIKE  
GOODS TRADE CO. LTD., BEST WHOLESALER  
CO. LTD., SKY SHOPPING TRADE, EBUYG NET  
CO. LTD., BEOYA INTERNATIONAL TRADING  
CO., LTD., ASHA CO. LTD., ARTICLE AND TOY  
OF CHI CO. LTD., SHISHI NIUPIKA CLOTHING  
STORE, FUZHOU H&H ELECTRONICS STORE,  
XIAMEN FENERGY ELECTRIC EQUIPMENT  
CO. LTD., JJ SPORTS TRADE CO., LTD., AUSIA  
INTERNATIONAL SPORTS (HK) LIMITED,  
GOLFMAINLAND, TOP-FASHION SHOP  
WHOLESALE CO. LTD., IES INTERNATIONAL  
TRADE CO., LTD., HONG KONG AILITE  
TRADING CO., LTD., ETERNAL TRADE CO.  
LTD., NFL WHOLESALER TRADING CO., LTD.,  
SHIET COMPANY, SUPER FLAT IRON, HUA  
XIANG CO., LTD., RUNTOP TRADE, HAOYI  
BUSINESS, JINNIU INTERNATIONAL TRADE  
CO. LTD., HUAYU TRADE, CHENG MING D/B/A  
CHIRETAILSITE.COM, CHEN WEN XIN D/B/A  
GHD24H.COM, CHI HAIR INC., CHI2SALE.COM,  
YU QUAN ZHUONG D/B/A  
BUYCHIONLINE.COM, JIA MU SI D/B/A  
CHI4IRON.COM, LING FEI D/B/A  
CHIFLATIRONSERVICE.COM and JIANWE FU  
D/B/A CHIIHAIRONLINE.COM

Defendants.

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**FIRST AMENDED COMPLAINT**

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Plaintiff FAROUK SYSTEMS, INC. hereby files this First Amended Complaint for *inter alia* trademark counterfeiting, cybersquatting and related claims against Defendants EYOU INTERNATIONAL TRADING COMPANY, LTD., FUZHOU HENQJU TRADE CO. LTD., EBRANDSALE TRADE CO. LTD., EBAGI TRADING CO. LTD., HANGZHOU DREAM CLOUDS GARMENT STORE, KING BOSE ELECTRONICS CO. LTD., YIWU XINWANG HARDWARE COMMERCIAL FIRM A/K/A QING TIAN ELECTRICAL TECHNOLOGY CO. LTD., BEIJING FUHENG SIHAI SCIENCE AND TECHNOLOGY CO. LTD., SHENYANG CITY SHENGHUAXING PARTS, FLAT CHY LTD. CO., SUANSU SHOP, ZHI CHI FASHION SHOES TRADING COMPANY, EBAYSON TRADING CO. LTD., KEMY DESIGN CRAFT WORK & CHI LTD., ZHUHAI XIANGZHOU KAIYUE COMPUTER FIRM, FLAT CHY IRON OUTLET, BRIGHT TRADE CO. LTD., NFL SUPPLIER TRADE CO. LTD. A/K/A S&S FASHION TRADING CO. LTD. A/K/A AILIKE INTERNATIONAL TRADE CO. LTD., HONG KONG ZEXI CO., LTD. A/K/A HONG KONG RAYBU TRADE CO., LIMITED, NFL SELL TRADE CO. LTD., AIRFLY TRADE COMPANY, ZHEJIANG PRIMATRUST INDUSTRY CO. LTD., SOFTWARE SUPPLIER CO., LTD., MYWAYHAIR CO., LTD., SHARING INTERNATIONAL INVESTMENT AND MANAGEMENT CO., LIMITED, VV SUPPLIER TRADE CO., LTD, HONG KONG YNITA GARMENTS CO. LIMITED, VICTORIA TRADE, HONGKONG ARTLER TRADING GROUP LIMITED A/K/A EXCELLENT SPORTS (HK) CO. LIMITED, LOL WHOLESALER TRADING INC., PUTIAN SHUNWANG TRADE CO., LTD. A/K/A SHINEWON COMPANY, HODONNET CO. LTD., DEAR GROUP LIMITED A/K/A HONGKONG AIBABYS INDUSTRY CO. LTD., PROFESSIONAL HAIR CARE SUPPLYER CO. LTD. A/K/A HAIR CARE WHOELSALE CO. LTD., BETTERBUSINESS FASHION TRADING CO., LTD., CHINA WANGYI TRADE

CO. LTD., CHI & T3 HAIR CARE FOREVEROFFER CO. LTD. A/K/A MAKE HAIR BEAUTIFUL CO. LTD., XIDA TRADE CO. LTD., HENGXIN INTERNATIONAL TRADE CO. LTD., FUZHOU HUAXIANG TRADE CO. LTD., E-TRADE CO. LTD., SUNFAVOR INDUSTRY DEVELOPMENT CO. LTD., LIKE GOODS TRADE CO. LTD., BEST WHOLESALER CO. LTD., SKY SHOPPING TRADE, EBUYG NET CO. LTD., BEOYA INTERNATIONAL TRADING CO., LTD., ASHA CO. LTD., ARTICLE AND TOY OF CHI CO. LTD., SHISHI NIUPIKA CLOTHING STORE, FUZHOU H&H ELECTRONICS STORE, XIAMEN FENERGY ELECTRIC EQUIPMENT CO. LTD., JJ SPORTS TRADE CO., LTD., AUSIA INTERNATIONAL SPORTS (HK) LIMITED, GOLFMAINLAND, TOP-FASHION SHOP WHOLESALE CO. LTD., IES INTERNATIONAL TRADE CO., LTD., HONG KONG AILITE TRADING CO., LTD., ETERNAL TRADE CO. LTD., NFL WHOLESALER TRADING CO., LTD., SHIET COMPANY, SUPER FLAT IRON, HUA XIANG CO., LTD., RUNTOP TRADE, HAOYI BUSINESS, JINNIU INTERNATIONAL TRADE CO. LTD., HUAYU TRADE, CHENG MING D/B/A CHIRETAILSITE.COM, CHEN WEN XIN D/B/A GHD24H.COM, CHI HAIR INC., CHI2SALE.COM, YU QUAN ZHUONG D/B/A BUYCHIONLINE.COM, JIA MU SI D/B/A CHI4IRON.COM, LING FEI D/B/A CHIFLATIRONSERVICE.COM and JIANWE FU D/B/A CHIIHAIRONLINE.COM on personal knowledge as to Plaintiff's own activities and on information and belief as to the activities of others:

#### **THE PARTIES**

1. Plaintiff FAROUK SYSTEMS, INC. ("Farouk" or "Plaintiff") is a corporation, organized and existing under the laws of the State of Texas, having its principal place of business at 250 Pennbright, Suite 150, Houston, Texas, 77090.

2. Defendant EYOU INTERNATIONAL TRADING COMPANY, LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. EYOU INTERNATIONAL TRADING COMPANY, LTD. does business under using the email addresses goodtrade@21cn.com, sales@cn-eyou.com, sweet9898@21cn.com and trust99@31cn.com, among others, and under the names Chuan Bin Wu, Zhian Wu and Xiu Hua Chen, Chuanbin Wu, among others.

3. Defendant FUZHOU HENQJU TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. FUZHOU HENQJU TRADE CO. LTD. does business using the email address ouvi@qq.com1, among others, and under the name Li Lin, among others.

4. Defendant EBRANDSALE TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. EBRANDSALE TRADE CO. LTD. does business using the email addresses ke-jin-yao@hotmail.com, lin-gui-ying@hotmail.com and lin-jia-ping@hotmail.com, among others, and under the names Ke Jin Yao, among others.

5. Defendant EBAGI TRADING CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. EBAGI TRADING CO. LTD. does business using the email address ebagiorder@gmail.com, among others, and under the name Tan Zhen Feng, among others.

6. Defendant HANGZHOU DREAM CLOUDS GARMENT STORE is a business whose actual name is currently unconfirmed and true address currently unknown. HANGZHOU DREAM CLOUDS GARMENT STORE does business using the email address 21313783@qq.com, among others, and under the name Bing Lang Tang, among others.

7. Defendant KING BOSE ELECTRONICS CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. KING BOSE ELECTRONICS CO. LTD. does business using the email address jennyguo1900@gmail.com, among others, and under the name Cai Yun Guo, among others.

8. Defendant YIWU XINWANG HARDWARE COMMERCIAL FIRM A/K/A QING TIAN ELECTRICAL TECHNOLOGY CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. YIWU XINWANG HARDWARE COMMERCIAL FIRM A/K/A QING TIAN ELECTRICAL TECHNOLOGY CO. LTD. does business using the email addresses smilegws@gmail.com and happyday442@gmail.com, among others, and under the names Gao Wen Shan and Li Jiang Ming, among others.

9. Defendant BEIJING FUHENG SIHAI SCIENCE AND TECHNOLOGY CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. BEIJING FUHENG SIHAI SCIENCE AND TECHNOLOGY CO. LTD. does business using the email address bestgoodsoffer@yahoo.com, among others, and under the name Yujin Tang, among others.

10. Defendant SHENYANG CITY SHENGHUAXING PARTS is a business whose actual name is currently unconfirmed and true address currently unknown. SHENYANG CITY SHENGHUAXING PARTS does business using the email addresses jianqian123@yahoo.com.cn and ali21cn@hotmail.com, among others, and under the name Shen Ligu and Guo Hai Qing, among others.

11. Defendant FLAT CHY LTD. CO. is a business whose actual name is currently unconfirmed and true address currently unknown. FLAT CHY LTD. CO. does business using the email addresses luckyzone2009@hotmail.com, onlinezone@126.com and

dennyzheng2008@hotmail.com, among others, and under the name Zheng Zhi Hua, among others.

12. Defendant SUANSU SHOP is a business whose actual name is currently unconfirmed and true address currently unknown. SUANSU SHOP does business using the email address guoshan1976@yahoo.cn, among others, and under the name Jinjie Shen, among others.

13. Defendant ZHI CHI FASHION SHOES TRADING COMPANY is a business whose actual name is currently unconfirmed and true address currently unknown. ZHI CHI FASHION SHOES TRADING COMPANY does business using the email addresses fashion\_goods@hotmail.com, sellervivi@hotmail.com and topmarket@live.cn, among others, and under the name Zhang Qun Fang, among others.

14. Defendant EBAYSON TRADING CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. EBAYSON TRADING CO. LTD does business using the email addresses christina\_0617@hotmail.com and billing@bagscoming.com, among others, and under the names Zhou Wei Xiao and Tao Kuo Chao, among others.

15. Defendant KEMY DESIGN CRAFT WORK & CHI LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. KEMY DESIGN CRAFT WORK & CHI LTD. does business using the email address trustfriendforever@163.com, among others, and under the name Chen Chou, among others.

16. Defendant ZHUHAI XIANGZHOU KAIYUE COMPUTER FIRM is a business whose actual name is currently unconfirmed and true address currently unknown. ZHUHAI

XIANGZHOU KAIYUE COMPUTER FIRM does business using the email address 1yx1002@gmail.com, among others, and under the name Lin Guo Zhu, among others.

17. Defendant FLAT CHY IRON OUTLET is a business whose actual name is currently unconfirmed and true address currently unknown. FLAT CHY IRON OUTLET does business using the email address jxwood01@hotmail.com, among others, and under the name Qing Biao Shen, among others.

18. Defendant BRIGHT TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. BRIGHT TRADE CO. LTD. does business using the email address bafqbssfei@gmail.com, among others, and under the name Feifei Chai, among others.

19. Defendant NFL SUPPLIER TRADE CO. LTD. A/K/A S&S FASHION TRADING CO. LTD. A/K/A AILIKE INTERNATIONAL TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. NFL SUPPLIER TRADE CO. LTD. A/K/A S&S FASHION TRADING CO. LTD. A/K/A AILIKE INTERNATIONAL TRADE CO. LTD. does business using the email addresses ying2010@hotmail.com, b2byeah@hotmail.com, lovept99@gmail.com, lijun750611@163.com, lijun9969@hotmail.com and zcwy1688@yahoo.com, among others, and under the names Siyuan Yang, Peng Yan, Qion Hua Lu and Lin Gui Ying, among others.

20. Defendant HONG KONG ZEXI CO., LTD. A/K/A HONG KONG RAYBU TRADE CO., LIMITED is a business whose actual name is currently unconfirmed and true address currently unknown. HONG KONG ZEXI CO., LTD. A/K/A HONG KONG RAYBU TRADE CO., LIMITED does business using the email addresses reid\_wang@163.com and



jordanworld@163.com, among others, and under the names Go Mei Feng, Chen Mei Qin, among others.

21. Defendant NFL SELL TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. NFL SELL TRADE CO. LTD. does business using the email address vipchina99@yahoo.cn, among others, and under the name Yang Xiao Ying, among others.

22. Defendant AIRFLY TRADE COMPANY is a business whose actual name is currently unconfirmed and true address currently unknown. AIRFLY TRADE COMPANY does business using the email addresses joselong@163.com and xuflight163.com, among others, and under the names Xu Jian Ping and Xu Jianping, among others.

23. Defendant ZHEJIANG PRIMATRUST INDUSTRY CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. ZHEJIANG PRIMATRUST INDUSTRY CO. LTD. does business using the email addresses popgift@yahoo.com and samdunuse@yahoo.com.cn, among others, and under the name Wong Chu Fu, among others.

24. Defendant SOFTWARE SUPPLIER CO., LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. SOFTWARE SUPPLIER CO., LTD. does business using the email addresses lifangliao@yeah.net and linshopping@yeah.net, among others, and under the names Gao Lin Qiong, Liao Li Fong, among others.

25. Defendant MYWAYHAIR CO., LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. MYWAYHAIR CO., LTD. does business using the email addresses myway-sales@hotmail.com and ellenlee.pp@gmail.com, among others, and under the name Xiaowei Lin, among others.

26. Defendant SHARING INTERNATIONAL INVESTMENT AND MANAGEMENT CO., LIMITED is a business whose actual name is currently unconfirmed and true address currently unknown. SHARING INTERNATIONAL INVESTMENT AND MANAGEMENT CO., LIMITED does business using the email addresses larry\_carry@163.com and peterflight@163.com, among others, and under the names Xu Bi Qin and Guo Wei Ying, among others.

27. Defendant VV SUPPLIER TRADE CO., LTD is a business whose actual name is currently unconfirmed and true address currently unknown. VV SUPPLIER TRADE CO., LTD. does business using the address meiqun88@hotmail.com, among others, and under the name Lin Mei Qun, among others.

28. Defendant HONG KONG YNITA GARMENTS CO. LIMITED is a business whose actual name is currently unconfirmed and true address currently unknown. HONG KONG YNITA GARMENTS CO. LIMITED does business using the email address good299@hotmail.com, among others, and under the name Mei Yuan Lin, among others.

29. Defendant VICTORIA TRADE is a business whose actual name is currently unconfirmed and true address currently unknown. VICTORIA TRADE does business using the email address xiaofenfenlv@163.com, among others, and under the name Mao Won Fen, among others.

30. Defendant HONGKONG ARTLER TRADING GROUP LIMITED A/K/A EXCELLENT SPORTS (HK) CO. LIMITED is a business whose actual name is currently unconfirmed and true address currently unknown. HONGKONG ARTLER TRADING GROUP LIMITED A/K/A EXCELLENT SPORTS (HK) CO. LIMITED does business using the email

address wendichen123@yahoo.com.cn, among others, and under the name Chen Wen De, among others.

31. Defendant LOL WHOLESALER TRADING INC. is a business whose actual name is currently unconfirmed and true address currently unknown. LOL WHOLESALER TRADING INC. does business using the email addresses happyt2010@yahoo.com and chenhuairong13@yahoo.com, among others, and under the name Chen Guo Ying, among others.

32. Defendant PUTIAN SHUNWANG TRADE CO., LTD. A/K/A SHINEWON COMPANY is a business whose actual name is currently unconfirmed and true address currently unknown. PUTIAN SHUNWANG TRADE CO., LTD. A/K/A SHINEWON COMPANY does business using the email addresses uuwholesaler@hotmail.com and shary168@hotmail.com, among others.

33. Defendant HODONNET CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. HODONNET CO. LTD. does business using the email address vipchina99@yahoo.cn, among others, and under the name Yang Xiao Ying, among others.

34. Defendant DEAR GROUP LIMITED A/K/A HONGKONG AIBABYS INDUSTRY CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. DEAR GROUP LIMITED A/K/A HONGKONG AIBABYS INDUSTRY CO. LTD. does business using the email addresses tradegogogo@hotmail.com and youngfanghuang@gmail.com, among others, and under the names Huang Bi Xia and Huang Yong Fang, among others.

35. Defendant PROFESSIONAL HAIR CARE SUPPLYER CO. LTD. A/K/A HAIR CARE WHOELSALE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. PROFESSIONAL HAIR CARE SUPPLYER CO. LTD. A/K/A HAIR CARE WHOLESale CO. LTD. does business using the email address brandkey@yahoo.com, among others, and under the name Lin Jun Guo, among others.

36. Defendant BETTERBUSINESS FASHION TRADING CO., LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. BETTERBUSINESS FASHION TRADING CO., LTD. does business using the email addresses fashionfordiscount@yahoo.cn, srsale@hotmail.com and sasale@hotmail.com, among others, and under the name Juan Chen, among others.

37. Defendant CHINA WANGYI TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. CHINA WANGYI TRADE CO. LTD. does business using the email address wangyi@hotmail.com, among others, and under the name Zhijun Zheng, among others.

38. Defendant CHI & T3 HAIR CARE FOREVEROFFER CO. LTD. A/K/A MAKE HAIR BEAUTIFUL CO. LTD.. is a business whose actual name is currently unconfirmed and true address currently unknown. CHI & T3 HAIR CARE FOREVEROFFER CO. LTD. A/K/A MAKE HAIR BEAUTIFUL CO. LTD. does business using the email address brandname999@yahoo.com, among others, and under the name Lin Jun Guo, among others.

39. Defendant XIDA TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. XIDA TRADE CO. LTD. does business using the email addresses us@xidatrade.com and mycooling@gmail.com, among others, and under the names Guo Qing Lu and Chen Xiao Dong, among others.

40. Defendant HENGXIN INTERNATIONAL TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. HENGXIN INTERNATIONAL TRADE CO. LTD. does business using the email address aaa4084@hotmail.com, among others, and under the names Lin Bai Qing, among others.

41. Defendant FUZHOU HUAXIANG TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. FUZHOU HUAXIANG TRADE CO. LTD does business using the email address nick.trademail@gmail.com, among others, and under the name Qu Xiang, among others.

42. Defendant E-TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. E-TRADE CO. LTD does business using the email address fangztrade@gmail.com, among others, and under the name Fang Zhen, among others.

43. Defendant SUNFAVOR INDUSTRY DEVELOPMENT CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. SUNFAVOR INDUSTRY DEVELOPMENT CO. LTD does business using the email address banny-psw@hotmail.com, among others, and under the names Ban Ting Yi, among others.

44. Defendant LIKE GOODS TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. LIKE GOODS TRADE CO. LTD., does business using the email addresses linhang123@hotmail.com and linhaotrade86@hotmail.com, among others, and under the name Xu Han Ying, among others.

45. Defendant BEST WHOLESALE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. BEST WHOLESALE CO. LTD

does business using the email address qi-junsheng@hotmail.com, among others, and under the names Qi Ming Zhou, among others.

46. Defendant SKY SHOPPING TRADE is a business whose actual name is currently unconfirmed and true address currently unknown. SKY SHOPPING TRADE does business using the email address skyshoppingnet@yahoo.com.cn, among others, and under the name Zheng Su Rong, among others.

47. Defendant EBUYG NET CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. EBUYG NET CO. LTD does business using the email addresses gyhn2010@gmail.com and johnsonebuyg@gmail.com, among others, and under the names Xie Zhi Xin and Zhuang Jian Huang, among others.

48. Defendant BEOYA INTERNATIONAL TRADING CO., LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. BEOYA INTERNATIONAL TRADING CO., LTD. does business using the email address servicebeoya@hotmail.com, among others, and under the name Wu Hai Jun, among others.

49. Defendant ASHA CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. ASHA CO. LTD does business using the email address kzq8888@yahoo.cn, among others, and under the name Ke Zhen Qun, among others.

50. Defendant ARTICLE AND TOY OF CHI CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. ARTICLE AND TOY OF CHI CO. LTD. does business using the email address 419927@qq.com, among others, and under the name Li Wen Shen, among others.

51. Defendant SHISHI NIUPIKA CLOTHING STORE. is a business whose actual name is currently unconfirmed and true address currently unknown. SHISHI NIUPIKA CLOTHING STORE does business using the email address haixisanzi@hotmail.com, among others, and under the name Sheng Hao Shen, among others.

52. Defendant FUZHOU H&H ELECTRONICS STORE is a business whose actual name is currently unconfirmed and true address currently unknown. FUZHOU H&H ELECTRONICS STORE does business using the email address qq38595804@gmail.com, among others, and under the name Zhuang Lin Jiao, among others.

53. Defendant XIAMEN FENERGY ELECTRIC EQUIPMENT CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. XIAMEN FENERGY ELECTRIC EQUIPMENT CO. LTD. does business using the email address richard.apple@hotmail.com, among others, and under the name Guo Lu Yu, among others.

54. Defendant JJ SPORTS TRADE CO., LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. JJ SPORTS TRADE CO., LTD. does business using the email address cowboystrade@hotmail.com, among others, and under the name De Hui Wu, among others.

55. Defendant AUSIA INTERNATIONAL SPORTS (HK) LIMITED is a business whose actual name is currently unconfirmed and true address currently unknown. AUSIA INTERNATIONAL SPORTS (HK) LIMITED does business using the email address ecommerceok@gmail.com, among others, and under the name Li Yan Guo, among others.

56. Defendant GOLFMAINLAND is a business whose actual name is currently unconfirmed and true address currently unknown. GOLFMAINLAND does business using the

email address nflshoppingus@yahoo.com.cn, among others, and under the name Huang Xue Hua, among others.

57. Defendant TOP-FASHION SHOP WHOLESALE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. TOP-FASHION SHOP WHOLESALE CO. LTD. does business using the email address smy21@126.com, among others, and under the name Shi Man Yang, among others.

58. Defendant IES INTERNATIONAL TRADE CO., LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. IES INTERNATIONAL TRADE CO., LTD., does business using the email address iestrade2010@hotmail.com, among others, and under the name Ren Feng, among others.

59. Defendant HONG KONG AILITE TRADING CO., LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. HONG KONG AILITE TRADING CO., LTD. does business using the email address welcome7898@gmail.com, among others, and under the name Xinyi Li, among others.

60. Defendant ETERNAL TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. ETERNAL TRADE CO. LTD., does business using the email address pointingtrade@aol.com, among others, and under the name Lin Jin Fei, among others.

61. Defendant NFL WHOLESALER TRADING CO., LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. NFL WHOLESALER TRADING CO., LTD. does business using the email addresses nfljerseywholesaler@gmail.com and oukeyinfo@163.com, among others, and under the name Xu Feng Zhu, among others.



62. Defendant SHIET COMPANY is a business whose actual name is currently unconfirmed and true address currently unknown. SHIET COMPANY does business using the email address sellelec@yahoo.com, among others, and under the name Ruigin He, among others.

63. Defendant SUPER FLAT IRON is a business whose actual name is currently unconfirmed and true address currently unknown. SUPER FLAT IRON does business using the email address angela311211@gmail.com, among others, and under the name Luo Ying, among others.

64. Defendant HUA XIANG CO., LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. HUA XIANG CO., LTD does business using the email address sophy.workmail@qq.com, among others, and under the name Jang Hua, among others.

65. Defendant RUNTOP TRADE is a business whose actual name is currently unconfirmed and true address currently unknown. RUNTOP TRADE does business using the email address fjpthj@hotmail.com, among others, and under the name Chen Hui Zhen, among others.

66. Defendant HAOYI BUSINESS is a business whose actual name is currently unconfirmed and true address currently unknown. HAOYI BUSINESS does business using the email address skytrade200988@hotmail.com, among others, and under the name Peng Wang, among others.

67. Defendant JINNIU INTERNATIONAL TRADE CO. LTD. is a business whose actual name is currently unconfirmed and true address currently unknown. JINNIU

INTERNATIONAL TRADE CO. LTD does business using the email address fto2011@gmail.com, among others.

68. Defendant HUAYU TRADE is a business whose actual name is currently unconfirmed and true address currently unknown. HUAYU TRADE does business using the email address wjq66888@hotmail.com, among others, and under the name Wang Jin Qian, among others.

69. Defendant CHENG MING D/B/A CHIRETAILSITE.COM is a business whose actual name is currently unconfirmed and true address currently unknown. CHENG MING D/B/A CHIRETAILSITE.COM does business using the email address happytradingonline@gmail.com, among others, and under the name Zhen Zhen Xi, among others.

70. Defendant CHEN WEN XIN D/B/A GHD24H.COM is a business whose actual name is currently unconfirmed and true address currently unknown. CHEN WEN XIN D/B/A GHD24H.COM does business using the email address chenwenxin2009@gamil.com, among others, and under the name Chen Wen Xin, among others.

71. Defendant CHI HAIR INC. is a business whose actual name is currently unconfirmed and true address currently unknown. CHI HAIR INC. does business using the email addresses coolghduk@gmail.com and jerrychenstarter@gmail.com, among others, and under the name Song Qian, among others.

72. Defendant CHI2SALE.COM is a business whose actual name is currently unconfirmed and true address currently unknown.

73. Defendant YU QUAN ZHUONG D/B/A BUYCHIONLINE.COM is a business whose actual name is currently unconfirmed and true address currently unknown.

74. Defendant JIA MU SI D/B/A CHI4IRON.COM is a business whose actual name is currently unconfirmed and true address currently unknown.

75. Defendant LING FEI D/B/A CHIFLATIRONSERVICE.COM is a business whose actual name is currently unconfirmed and true address currently unknown.

76. Defendant JIANWE FU D/B/A CHIIHAIRONLINE.COM is a business whose actual name is currently unconfirmed and true address currently unknown (collectively, with the preceding named Defendants, the “Defendants”).

### **JURISDICTION AND VENUE**

77. Defendants are doing business in Texas and this District and are subject to the jurisdiction of this Court.

78. This is an action for trademark counterfeiting and trademark infringement, cybersquatting and unfair competition and false designation of origin arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), the Anticybersquatting Consumer Protection Act of 1996, Pub. L. 104-153 (July 2, 1996), and the Prioritizing Resources and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the “Lanham Act”), and for unlawful and deceptive acts and practices under the laws of the State of Texas.

79. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332 and 1338(a) and (b); and 15 U.S.C. §§ 1116 and 1121. This Court has jurisdiction, pursuant to the principles of supplemental jurisdiction and 28 U.S.C. § 1367, over Plaintiffs’ claims for unlawful and deceptive acts and practices under the laws of the State of Texas.

80. This Court has personal jurisdiction over Defendants in that they transact business in the State of Texas and this District.

81. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(a) in that the Defendants are entities or individuals subject to personal jurisdiction in this District. Further, venue is appropriate since a substantial portion of the acts complained of herein were committed by Defendants within this District.

### **BACKGROUND FACTS**

#### **FAROUK AND ITS TRADEMARKS**

82. Farouk designs, manufactures and sells a wide range of high-quality and innovative hair care products. Farouk has been in the hair care business for more than two decades and has achieved an outstanding reputation in the industry. Farouk has also become known for the value of its products and its commitment to customer service.

83. Farouk's products, including electric hand held hair dryers, electric hair styling irons, and hair-care products ("CHI Products") are sold under Farouk's trademark CHI among other marks (collectively, the "CHI Marks").

84. Farouk owns registrations for the following CHI Marks with the United States Patent and Trademark Office:

<b>Registration Number or Serial Number for Trademark Applications</b>	<b>Trademark</b>	<b>Goods and Services</b>
Registration No.: 2,660,257	<b>CHI</b>	Electric hair curling irons.
Registration No.: 3,387,588	<b>CHI NANO</b>	Electric hair curling irons, electric hair styling irons, electric hair straightening irons, and electric hair flat

		irons.
Registration No.: 3,107,769	<b>CHI</b>	Electric hand held hair dryers.
Registration No.: 3,698,869	<b>CHI ROCKET</b>	Hair dryers.
Registration No.: 3,527,483	<b>CHI</b>	Hair clippers, hair shears and scissors, hair trimmers, razors, and blades for hair clippers, hair trimmers and razors.
Registration No.: 3,755,827	<b>CHI ACADEMY</b>	Education services, namely, providing classes, seminars, and workshops in the field of hair care, hair styling, hair cutting, and hair coloring.
Registration No.: 3,776,265	<b>FAROUK</b>	Electric hair curling irons, electric hair styling irons, electric hair straightening irons, and electric hair flat irons.
Registration No.: 3,584,455	<b>I. CHI</b>	Electric hair curling irons, hair styling irons, hair straightening irons, and hair flat irons.
Registration No.: 3,341,114	<b>ULTRA CHI</b>	Electric hair curling irons, electric hair flat irons, electric hair straightening irons.
Registration No.: 3,331,008	<b>ULTRA CHI</b>	Electric hand held hair dryers
Registration No.: 3,054,490	<b>CHI</b>	Magazines in the field of haircare, beauty , and fashion.
Registration No.: 3,426,769	<b>CHI</b>	Hair coloring preparations.

85. The registrations for the CHI Marks are valid, subsisting, and in full force and effect.

86. Farouk's CHI Products are sold by Farouk to the general public through authorized distributors and through authorized retail locations.

87. Each year Farouk spends hundreds of thousands of dollars advertising, marketing, and promoting CHI Products in the U.S.

88. The CHI Marks are associated exclusively with CHI Products. As a result of Farouk's marketing and advertising of its products and other efforts to promote the CHI Marks, CHI Marks have become well-known in the United States with customers and potential customers as identifying Farouk's products and services.

89. Farouk has acquired and enjoys a valuable reputation and significant goodwill associated with the CHI Marks on the CHI Products.

90. Farouk maintains high quality control standards for all of CHI Products sold under the CHI Marks.

91. Given the great value of the CHI Marks to Farouk, Farouk makes great efforts to enforce its trademarks and combat the distribution and sale of counterfeits of CHI Products bearing CHI Marks.

#### **DEFENDANTS' CONDUCT**

92. Farouk has become victim of a massive Internet counterfeiting ring of a size and scale it has not seen before. Defendants have manufactured, imported, distributed, offered for sale and sold counterfeit hair styling irons and other products bearing counterfeits of the CHI Marks (the "Counterfeit Products") and continue to do so.

93. Defendants are selling Counterfeit Products using a large number of aliases on 'business to business' ("B2B") selling platforms such as DIYtrade.com, Alibaba.com, EC21.com

and Tradekey.com, as well as on stand-alone web stores Defendants operate such as buychionline.com, buyironchi.com, and chi4hair.com (“Infringing Web Stores”). Defendants are selling the Counterfeit Products as genuine CHI Products. Any of Defendants’ B2B sites web pages and Infringing Web Stores might appear to unknowing consumers to be legitimate sales outlets authorized to sell genuine CHI Products.

94. Defendants, without any authorization from Plaintiff, have knowingly and willfully used and continue to use the CHI Marks in connection with the advertisement, offer for sale, and sale of the Counterfeit Products through the Internet.

95. The Counterfeit Products are not genuine CHI Products. Plaintiffs did not manufacture, inspect or package the Counterfeit Products and did not approve the Counterfeit Products for sale or distribution.

96. Defendants’ use of the CHI Marks on or in connection with the advertising, marketing, distribution, offering for sale, and sale of the Counterfeit Products is likely to cause and has caused confusion, mistake and deception by and among consumers and is irrevocably harming Farouk.

97. To perpetuate their scheme, Defendants have registered and are using a large number of domain names containing the CHI Marks including, without limitation, the domain names: chibuyus.com, chifactoryoutlet-us.com, chiflatirona.com, chiflatironb.com, chiflatironc.com, chiflatironm.com, chiflatironn.com, chiflatironok.com, chiflatirons.com, chiflatironsa.com, chiflatironsv.com, chiflatironv.com, chiflatirony.com, chihaironline.com, chiirontop.com, chi-hair.com, ghdchis.com, ghdchisales.com, mk4chi.com, chiretailsite.com, chi.cowboystrade.com, chi2sale.com, buychionline.com, chi4iron.com and chiflatironservice.com.

98. The Infringing Domain Names registered by Defendants are identical and/or confusingly similar to one or more of the CHI Marks.

99. Defendants have registered and are using the Infringing Domain Names as locations for Infringing Web Stores with the bad-faith intent to profit from these marks, namely setting up websites located at the Infringing Domain Names acting in conjunction with their web pages on the B2B Sites to deceive consumers into believing these websites selling Counterfeit Products are actually selling authentic CHI Products.

**COUNT ONE**

**FEDERAL TRADEMARK COUNTERFEITING AND INFRINGEMENT**  
**(15 U.S.C. § 1114)**

100. Plaintiff repeats and realleges the allegations above as if fully set forth herein.

101. The CHI Marks and the goodwill of the businesses associated with them in the United States and throughout the world are of great and incalculable value, are highly distinctive, and have become universally associated in the public mind with CHI Products and related services of the very highest quality and reputation finding their source from Farouk.

102. Without Plaintiff's authorization or consent, and having knowledge of both Plaintiff's well-known and prior rights in CHI Marks and the fact that Defendants' Counterfeit Products bear marks which are intentionally confusingly similar to the CHI Marks, Defendants have manufactured, distributed, offered for sale and/or sold the Counterfeit Products to the consuming public in direct competition with Farouk's sale of genuine CHI Products, in or affecting interstate commerce.

103. Defendants' use of copies or simulations of the CHI Marks in conjunction with Defendants' B2B web pages and Infringing Web Stores is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the



Counterfeit Products, and is likely to deceive the public into believing the Counterfeit Products being sold by Defendants originate from, are associated with or are otherwise authorized by Farouk, all to the damage and detriment of Plaintiff's reputation, goodwill and sales.

104. Plaintiff has no adequate remedy at law and, if Defendants' activities are not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its goodwill and reputation.

## **COUNT TWO**

### **UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN** **(15 U.S.C. § 1125(a))**

105. Plaintiff repeats and realleges the allegations above as if fully set forth herein.

106. The Counterfeit Products sold and offered for sale by Defendants are of the same nature and type as Farouk's genuine CHI Products sold and offered for sale by Farouk and, as such, Defendants' use is likely to cause confusion to the general purchasing public.

107. By misappropriating and using the CHI Marks and trade names, Defendants misrepresent and falsely describe to the general public the origin and source of the Counterfeit Products and create a likelihood of confusion by consumers as to the source of such merchandise.

108. Defendants' unlawful, unauthorized and unlicensed manufacture, distribution, offer for sale and/or sale of the Counterfeit Products creates express and implied misrepresentations that the Counterfeit Products were created, authorized or approved by Farouk, all to Defendants' profit and to Plaintiff's great damage and injury.

109. Defendants' aforesaid acts are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), in that Defendants' use of the CHI Marks, in connection with their goods and services, in interstate commerce constitutes a false designation of origin and unfair competition.

110. Plaintiff has no adequate remedy at law and, if the Defendants' activities are not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its goodwill and reputation.

**COUNT THREE**

**CYBERSQUATTING UNDER THE  
ANTICYBERSQUATTING CONSUMER PROTECTION ACT  
(15 U.S.C. § 1125(d)(1))**

111. Plaintiff repeats and realleges the allegations above as if fully set forth herein.

112. The Infringing Domain Names are identical or confusingly similar to one or more of the CHI Marks, which were distinctive and/or famous at the time Defendants registered each of the Infringing Domain Names.

113. Defendants registered and have used the Infringing Domain Names with a bad-faith intent to profit from the CHI Marks.

114. Defendants' activities as alleged herein violate the federal Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d)(1).

115. Plaintiff has no adequate remedy at law and, if the Defendants' activities are not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its goodwill and reputation.

**COUNT FOUR**

**TRADEMARK INFRINGEMENT AND  
UNFAIR COMPETITION UNDER TEXAS LAW**

116. Plaintiff repeats and realleges the allegations above as if fully set forth herein.

117. The acts of Defendants complained of above constitute trademark infringement and unfair competition under the common law of the State of Texas. As a result of the infringement and unfair competition by Defendants, Plaintiff has suffered and will continue to

suffer injury and damage in an amount yet to be determined. The acts of infringement by Defendants have resulted in substantial unjust profits and unjust enrichment on the part of Defendants in an amount yet to be determined. Such acts of trademark infringement and unfair competition have caused great harm to Plaintiff.

118. The continuing acts of Defendants are jeopardizing the goodwill of Plaintiff and its valuable CHI Marks, and such acts have caused and will continue to cause irreparable injury to Plaintiff and to the consuming public. The acts of Defendants complained of herein have caused irreparable injury to Plaintiff and to the public, for which there is no adequate remedy at law. Additionally or in the alternative, Plaintiff seeks an accounting and its actual and consequential damages as a result of Defendants' infringing acts which have resulted in confusion among the public. Moreover, Plaintiff seeks punitive and enhanced damages for Defendants' willful conduct. Further, Plaintiff seeks recovery of its reasonable and necessary attorneys' fees and costs incurred as a result of Plaintiff having to bring and maintain this action.

#### **DEMAND FOR JURY TRIAL**

Farouk demands a trial by jury on all claims and issues.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. That Defendants, their officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through or under them be permanently enjoined and restrained:

a. from using the CHI Marks in any manner in connection with the advertising, offering for sale, or sale of any product not Plaintiff's, or not authorized by Plaintiff to be sold in connection with each of the CHI Marks;

b. from passing off, inducing, or enabling others to sell or pass off any product as and for products produced by Plaintiff, which are not Plaintiff's or not produced under the control and supervision of Plaintiff and approved by Plaintiff for sale under the CHI Marks;

c. from committing any acts calculated to cause purchasers to believe that Defendants' products are those sold under the control and supervision of Plaintiff, or sponsored or approved by, or connected with, or guaranteed by, or produced under the control and supervision of Plaintiff;

d. from further infringing the CHI Marks and damaging Plaintiff's goodwill;

e. from otherwise competing unfairly with Plaintiff in any manner;

f. from shipping, delivering, distributing, returning or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of the CHI Marks; or

g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Infringing Domain Names or any other domain name that incorporates, in whole or in part, any of the CHI Marks.

6. That Defendants, within thirty (30) days after service of judgment with notice of entry thereof upon it, be required to file with the Court and serve upon Plaintiff a written report under oath setting forth in detail the manner in which Defendants have complied with paragraphs 5, a through g, *supra*.

7. That the Infringing Domain Names be deleted from the root zone servers operated and maintained by the domain name registries VeriSign, Inc.

8. That VeriSign, Inc. be required to cooperate with a registrar to be appointed by Plaintiff to re-register the Infringing Domain Names in Plaintiff's respective names and under Plaintiff's respective ownership.

9. That Defendants account for and pay over to Plaintiff profit realized by Defendants by reason of Defendants' unlawful acts herein alleged and, that the amount of damages for infringement of Plaintiff's registered trademarks be increased by a sum not exceeding three times the amount thereof as provided by law.

10. In the alternative, that Plaintiff be awarded statutory damages of \$2,000,000 for each and every CHI Mark counterfeited by each Defendant and \$250,000 per Infringing Domain Name for Defendants' willful counterfeiting and cybersquatting of the CHI Marks.

11. That Plaintiff be awarded reasonable attorneys' fees, costs, and have such other and further relief as the Court may deem equitable including, but not limited to, any relief set forth under Sections 34-39 of the 1946 Trademark Act and/or C.G.S.A. §§ 35-11(i), 42-110(a) *et seq.*, 42-110(b) *et seq.*

Respectfully submitted,

GREENBERG TRAURIG LLP

Dated: August 27, 2010

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